

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION**

TIMOTHY HANNER,

Plaintiff,

v.

Case No: 2:21-cv-294-SPC-MRM

J. COTTER, J. MONTALVO,
FNU GLOVER and NURSE
SMITH,

Defendants.

OPINION AND ORDER¹

Plaintiff Timothy Hanner—a prisoner at Charlotte Correctional Institution—filed this civil rights case against three correctional officers and “Nurse Smith.” ([Doc. 1](#)) United States Magistrate Judge Mac R. McCoy granted Hanner leave to proceed *in forma pauperis* and ordered Hanner to complete service documents. ([Doc. 5](#); [Doc. 6](#)). Hanner indicated that all Defendants could be served at Charlotte Correctional, so Judge McCoy ordered a special appointee at the prison to serve Defendants. ([Doc. 7](#); [Doc. 8](#)). The special appointee indicated that Charlotte Correctional had no record of a

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“Nurse Smith” ever working there. (Doc. 12). Judge McCoy ordered Hanner to show cause why “Nurse Smith” should not be removed as a party to this case. (Doc. 15). Hanner responded that “Smith” might not be the nurse’s name and that he would verify the real name by “asking around.” (Doc. 17). Without a correct name, the Court cannot serve—or acquire jurisdiction over—Defendant “Smith”. The Court will thus dismiss the claims against “Nurse Smith” without prejudice. If Hanner learns the nurse’s name, he may request leave to re-assert those claims in an amended complaint.

Accordingly, it is now

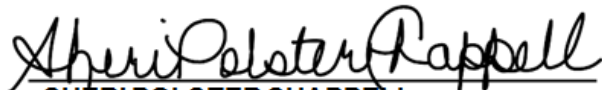
ORDERED:

(1) Plaintiff Timothy Hanner’s claims against Nurse Smith are

DISMISSED without prejudice.

(2) The Clerk is **DIRECTED** to terminate Nurse Smith as a party to this case.

DONE and ORDERED in Fort Myers, Florida on June 23, 2021.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

SA: FTMP-1

Copies: All Parties of Record